

AMENDED IN ASSEMBLY APRIL 28, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1772

Introduced by Committee on Public Employees, Retirement and Social Security (Torrico (Chair), Jones, Mullin, and Negrete McLeod)

April 4, 2005

~~An act to amend Sections 22115.2, 22662, 22663, 22703, 22705, 22705.5, 23001, 23104, 23202, 23300, 24005, 24105, 24204, 24214, 24216, 24219, 24306.5, 24306.7, 24307, 24311, 24312, 24400, 24410.6, 24613, 24701, 24704, 24750, 24751, and 27100 of the Education Code, relating to teachers' retirement, and declaring the urgency thereof, to take effect immediately. An act to amend Sections 45240, 45262, 45272.5, 45278, and 45387 of the Education Code, relating to classified school employees.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1772, as amended, Committee on Public Employees, Retirement and Social Security. ~~Teachers' retirement. Classified school employees.~~

(1) Existing law requires a personnel commission to prescribe, amend, and interpret rules regarding the merit system. Existing law requires that those rules be printed and made available to a school, among others.

This bill would provide that those rules may be electronically transmitted.

(2) Existing law, until January 1, 2006, in a school district with a pupil population over 400,000, authorizes an appointment for a school-based position to be made from any rank on an eligibility list, but requires consideration of certain factors.

This bill, in a school district with a pupil population over 400,000, would also authorize an appointment for a peace officer position, as specified, to be made from any rank on an eligibility list, but would require consideration of certain factors. The bill would delete the date on which that authorization is to be repealed, thereby extending its operation indefinitely.

(3) Existing law provides that certain requirements regarding giving written notice of tests, vacancies, and transfer opportunities do not apply to a school district that publishes and distributes examination bulletins to all work locations at least once each month, as specified.

This bill would authorize a school district to publish and distribute examination bulletins by electronic means.

(4) Existing law authorizes the governing board of a school district to grant reimbursement of the costs, including tuition fees, to a permanent classified employee who satisfactorily completes approved training to improve his job knowledge, ability, or skill.

This bill would authorize the governing board of a school district to permit a permanent classified employee to attend a minimum of one school day each year, during working hours, for job-related in-service training, with pay.

~~Existing law requires the Teachers' Retirement Board to report to the Governor and the Legislature on the purchasing power of benefits under the Defined Benefit Program of the State Teachers' Retirement Plan no later than April 1, of each year.~~

~~This bill would change that date to June 1. The bill would also make various technical changes to the Teachers' Retirement Law.~~

~~The bill would declare that it is to take effect immediately as an urgency statute.~~

~~Vote: $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: yes~~
~~no. State-mandated local program: no.~~

The people of the State of California do enact as follows:

1 SECTION 1. Section 45240 of the Education Code is
 2 amended to read:
 3 45240. ~~Any~~ A school district ~~adopting~~ that adopts the
 4 provisions of this article in accordance with Section 45222 or
 5 45224.5 shall ~~cause the~~ appoint a personnel commission to be
 6 appointed in the manner prescribed in Sections 45245, 45246 and

45247. The personnel commission shall appoint ~~the~~ a personnel director in the manner provided in Section 45264 after appointment of at least two of its members.

SEC. 2. Section 45262 of the Education Code is amended to read:

45262. (a) The rules of the commission and copies of this article shall be printed and made available *or electronically transmitted* to each school, office, and permanent worksite where employees report, and shall be distributed to school libraries for loan to employees.

(b) Within one year of ~~when a district adopts~~ the adoption of the merit system, the commission shall adopt rules pursuant to Section 45260 and shall give to each new regular employee a handbook ~~which~~ that summarizes the basic rules and working conditions for classified employees and provides information regarding access to copies of the complete rules and the merit system.

SEC. 3. Section 45272.5 of the Education Code is amended to read:

45272.5. ~~(a)~~ Notwithstanding subdivision (a) of Section 45272, in a school district with a pupil population over 400,000, an appointment for a school-based position *or for a peace officer position to be filled by an individual certified by the Commission on Peace Officer Standards and Training* may be made from any rank on the eligibility list. However, in making appointments pursuant to this subdivision, at least three eligible candidates from the list, if available, shall be considered and appointing authorities shall consider job-related background and training that are related to successful job performance, placement on the eligibility lists, and seniority, prior to making a job offer.

~~(b) This section shall remain in effect only until January 1, 2006, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2006, deletes or extends that date.~~

SEC. 4. Section 45278 of the Education Code is amended to read:

45278. (a) Written notices concerning tests, vacancies, transfer opportunities, and other such selections of shifts, positions, assignments, classifications, or locations shall be posted at all work locations of employees who may be affected,

1 not later than 15 working days prior to the closing date of filing
2 appropriate applications, together with the normal use of
3 newspapers and bulletins for public notice for open or
4 promotional vacancies. ~~Whenever~~ *If* the subject of ~~such~~ *those*
5 notices ~~may affect~~ *affects* a probationary or permanent classified
6 employee who will not be reporting at his work location during
7 periods when ~~such~~ *that* employee is not normally required to
8 work, ~~such as~~ *including* Christmas, Easter, summer recesses, and
9 other paid or unpaid leaves of absences, including vacations, and
10 who has previously requested notification, ~~such~~ *those* notices
11 shall be mailed to the employee. However, the failure of an
12 employee to receive ~~such~~ *that* notice shall not invalidate any
13 procedure, if in fact the notice was placed in the mail and postage
14 paid.

15 ~~The foregoing provisions shall~~

16 *(b) (1) Subdivision (a) does not apply to any a school district*
17 ~~which~~ *that* publishes and distributes to all work locations
18 examination bulletins at least once each month, provided that
19 records of employee requests for transfer and change of location
20 are maintained and that the names of all candidates for transfer
21 and change of location to a vacancy are certified to the
22 appointing authority along with names of appropriate applicants
23 from employment lists.

24 *(2) A school district may publish and distribute pursuant to*
25 *paragraph (1) by electronic means.*

26 *(c) The personnel commission shall establish procedures for*
27 *the maintenance of employee requests for transfer, change of*
28 *location, change of shift, and notification of forthcoming*
29 *examinations.*

30 *SEC. 5. Section 45387 of the Education Code is amended to*
31 *read:*

32 *45387. (a) The governing board of any a school district may*
33 *grant reimbursement of the costs, including tuition fees, to any a*
34 *permanent classified employee who satisfactorily completes*
35 *approved training to improve his job knowledge, ability, or skill.*
36 *Programs eligible for such that reimbursement shall include, but*
37 ~~not be limited to,~~ *courses of study at approved academic*
38 *institutions, seminars and training institutes conducted by*
39 *recognized professional associations, and conferences, meetings*
40 ~~and such other training programs as~~ *that* are designed to upgrade

1 the classified service and to encourage retraining of employees
2 who may otherwise be subject to layoff as the result of
3 technological changes. Eligibility for reimbursement shall be in
4 accordance with rules established by the personnel commission
5 in those districts—~~which~~ *that* have adopted a merit system.
6 ~~Provisions of this section shall~~ *This section does not apply to—any*
7 *an* employee who is receiving training and is eligible for
8 reimbursement by—~~any other~~ *another* governmental agency,
9 organization, or association.

10 *(b) The governing board of a school district may permit a*
11 *permanent classified employee to attend a minimum of one*
12 *school day each year, during working hours, for job-related*
13 *in-service training, with pay.*

14
15
16 **All matter omitted in this version of the bill**
17 **appears in the bill as introduced in Senate,**
18 **April 4, 2005 (JR11)**
19